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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,784	12/21/2000	Stefan Feuchtinger	Q62359	6391

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EXAMINER
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LEE, JOHN J

ART UNIT	PAPER NUMBER
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2618

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07/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/740,784	<b>Applicant(s)</b> FEUCHTINGER ET AL.	
	<b>Examiner</b> JOHN J. LEE	<b>Art Unit</b> 2618	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-17 is/are rejected.
- 7) ☒ Claim(s) 8-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Applicant's arguments with respect to claims 1 – 13 have been considered but are moot in view of the new ground(s) of rejection.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-7 and 11-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ditzik (US 5,983,073) in view of Raffel et al. (US 5,675,629).

Regarding **claim 1**, Ditzik discloses that a radiotelephone terminal unit (51 in Fig. 7) for a subscriber (column 2, lines 28 – column 3, lines 22 and Fig. 7). Ditzik teaches that a portable terminal (14 in Fig. 7) which is configured to be carried around by a user allowing said user to communicate by radio with a communication network (Fig. 7) via a relay transceiver station (33 in Fig. 7) (Fig. 7 and column 5, lines 33 – column 6, lines 46, where teaches a wireless handset unit communicates to notebook unit by wireless communication to communication network). Ditzik teaches that a radiotelephone terminal (51 in Fig. 7) which is complementary to said portable radiotelephone terminal (14 in Fig. 7), configured to remain in place (within range area in Fig. 1), said radiotelephone terminal (51 in Fig. 7) further configured to be used conjointly with said portable terminal (14 in Fig. 1) when connected to said relay transceiver station (33 in Fig. 1) by a

call set (Internet call) up via said station (Fig. 7 and column 5, lines 22 – column 6, lines 46, where teaches the wireless handset unit configured to communicate with portable notebook unit (Internet call) or PDA unit within range and communicates through the relay communication network to the communication network, and communicates directly through the relay communication network to the communication network conjointly for establishing calling). Ditzik also teaches that wherein complementary function of said radiotelephone terminal (32 in Fig. 7) and said portable terminal (14 in Fig. 1) can be employed by the same user having simultaneous access to both terminal (Fig. 7, 8 and column 13, lines 1 – 55, where teaches the complementary function of the wireless handset unit and the portable notebook unit operate as far as a user is concerned to access simultaneously to both terminals).

Ditzik does not specifically disclose the limitation “portable terminal when connected to said **relay transceiver station** by a **call set up** via said station”. However, Raffel teaches the limitation “portable terminal (12 in Fig. 1) when connected to said relay transceiver station (10 in Fig. 1) by a call set (call through base station to PSTN) up via said station” (Fig. 1 and column 11, lines 18 – 55, where teaches a portable terminal (mobile station) as connected to the cordless cellular base station for initiating call set up associated to landline and out on to the PSTN, the portable terminal (mobile station) is within the coverage area). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Ditzik’s system as taught by Raffel, provide the motivation to achieve saving the cost and optimal coverage for using cordless

cellular base station to call connection and in order to improve signal adaptability in cellular communication system.

Regarding **claim 2**, Ditzik teaches that the portable terminal (14 in Fig. 7) and a radiotelephone terminal (51 in Fig. 7) are equipped with man-machine interface means and software means, which are at least partly complementary (Fig. 7, 8 and column 13, lines 1 – 55, where teaches, where teaches the portable notebook unit and the wireless handset unit may interface machine operator or a computer application programs may executes by the computer system).

Regarding **claim 3**, Ditzik and Raffel teach all the limitation as discussed in claims 1 and 2. Furthermore, Ditzik further teaches that enabling them to communicate by radio with the relay transceiver station (33 in Fig. 7) of communication network via a respective different radiotelephone link during a call involving said portable terminal (Fig. 7, 8, column 11, lines 37 – 45, and column 13, lines 1 – 55, where teaches communicating through the relay communication network to different communication network such that AMPS, PCS, CDPD, and RF link or CDMA OR TDMA, during a calling).

Regarding **claim 4**, Ditzik and Raffel teach all the limitation, as discussed in claim 1. Furthermore, Ditzik further teaches that enables the portable terminal (14 in Fig. 7) to communicate by radio with the relay transceiver station (33 in Fig. 7) of the communication network via a first link (communicating through the relay communication network to communication network during a calling), and with a radiotelephone terminal (51 in Fig. 7) via a second link when the portable terminal is within radio range of both

the relay transceiver station and the portable terminal (Fig. 7 and column 5, lines 33 – column 6, lines 46, where teaches communicating through wireless notebook unit to the relay communication network to communication network during a calling).

Regarding **claim 5**, Ditzik and Raffel teach all the limitation, as discussed in claims 1 and 3. Furthermore, Ditzik further teaches that portable terminal (14 in Fig. 7) enables the relay transceiver station (33 in Fig. 7) and the radiotelephone terminal (51 in Fig. 7), to communicate with each other via the radiotelephone links (AMPS, PCS, CDPD, and RF link or CDMA OR TDMA protocol) which selectively (using signal strength or interference, communicating different signal or other reason) connect the portable terminal and radiotelephone terminal to the relay transceiver station (Fig. 7, 8 and column 13, lines 1 – 55, where teaches selectively connects the radiotelephone links with the wireless notebook unit and the relay communication network).

Regarding **claim 6**, Ditzik and Raffel teach all the limitation, as discussed in claims 1 and 3. Furthermore, Ditzik further teaches that the radiotelephone terminal complementary to the portable terminal is connected by a cable link to the communication network to which the portable terminal has radio access via the relay transceiver station (Fig. 7 and column 5, lines 33 – column 6, lines 46, where teaches wireless notebook unit and the relay communication network are both connected by a cable link to the communication network).

Regarding **claim 7**, Ditzik and Raffel teach all the limitation, as discussed in claims 1 and 3. Furthermore, Ditzik teaches that a subscriber radiotelephone terminal (51 in Fig. 7) configured to communicate by radio with a relay transceiver station (33 in Fig.

7) providing access to a communication network (Fig. 7) and with another radiotelephone terminal (Fig. 7 and column 5, lines 33 – column 6, lines 46, where teaches a wireless handset unit communicates to notebook unit by wireless communication to communication network). Ditzik teaches that hardware and software means enabling the radiotelephone terminal to communicate by radio with the relay transceiver station (Fig. 7, 8, column 11, lines 37 – 45, and column 13, lines 1 – 55, where teaches communicating through the relay communication network to different communication network such that AMPS, PCS, CDPD, and RF link or CDMA OR TDMA, during a calling), the communication with the relay transceiver being either directly or via another subscriber radiotelephone terminal (Fig. 7 and column 5, lines 22 – column 6, lines 46, where teaches the wireless handset unit configured to communicate with portable notebook unit (Internet call) within range and communicates through the relay communication network to the communication network, and communicates directly through the relay communication network to the communication network conjointly for establishing calling), wherein functions of the radio telephone terminal can be used simultaneously with a portable and complementary terminal by the same user thereby enabling complementary functions of the radiotelephone terminal and the portable terminal to be employed (the portable terminal has a function that simultaneously accesses with a portable and complementary terminal by the same user thereby enabling complementary functions of the radiotelephone terminal and the portable terminal to be employed see Fig. 7, 8 and column 13, lines 1 – 55) by a same user having simultaneous access to both terminals during a call set up via relay transceiver station (Fig. 7, 8 and

column 13, lines 1 – 55, where teaches the complementary function of the wireless handset unit and the portable notebook unit operate as far as a user is concerned to access simultaneously to both terminals).

Ditzik does not specifically disclose the limitation “portable terminal when connected to said **relay transceiver station** by a **call set up** via said station”. However, Raffel teaches the limitation “portable terminal (12 in Fig. 1) when connected to said relay transceiver station (10 in Fig. 1) by a call set (call through base station to PSTN) up via said station” (Fig. 1 and column 11, lines 18 – 55, where teaches a portable terminal (mobile station) as connected to the cordless cellular base station for initiating call set up associated to landline and out on to the PSTN, the portable terminal (mobile station) is within the coverage area). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Ditzik’s system as taught by Raffel, provide the motivation to achieve saving the cost and optimal coverage for using cordless cellular base station to call connection and in order to improve signal adaptability in cellular communication system.

Regarding **claim 11**, Ditzik and Raffel teach all the limitation, as discussed in claims 1 and 6. Furthermore, the complementary radiotelephone terminal is adapted to be left in place, said radiotelephone terminal further including a cable link (Fig. 7 and column 5, lines 33 – column 6, lines 46, where teaches wireless notebook unit and the relay communication network are both connected by a cable link to the communication network) enabling the complementary radiotelephone terminal to set up a call via said communication network ((Fig. 7 and column 5, lines 22 – column 6, lines 46, where



teaches the wireless handset unit configured to communicate with portable notebook unit (Internet call) within range and communicates through the relay communication network to the communication network, and communicates directly through the relay communication network to the communication network conjointly for establishing calling).

Regarding **claim 12**, Ditzik teaches all the limitation, as discussed in claims 1 and 2. Furthermore, hardware and software means enabling the subscriber radiotelephone terminal to communicate by radio (Fig. 7, 8, column 11, lines 37 – 45, and column 13, lines 1 – 55, where teaches communicating through the relay communication network to different communication network such that AMPS, PCS, CDPD, and RF link or CDMA OR TDMA, during a calling) with and via a relay radiotelephone transceiver station providing access to a communication network conjointly with a complementary radiotelephone terminal during a call in the course of which its functional man-machine interface means (Fig. 7, 8 and column 13, lines 1 – 55, where teaches, where teaches the portable notebook unit and the wireless handset unit may interface machine operator or a computer application programs may executes by the computer system), which complement those of said complementary terminal, can be used in conjunction with those of said other terminal by the same user during the call set up, to be set up or to be cleared down (Fig. 7, 8 and column 13, lines 1 – 55, where teaches the complementary function of the wireless handset unit and the portable notebook unit operate as far as a user is concerned to access simultaneously to both terminals to call set up (internet call)).

Regarding **claim 13**, Ditzik and Raffel teach all the limitation, as discussed in claims 1 and 3. Furthermore, Ditzik further teaches that programming so that both the portable terminal and the radiotelephone terminal are active simultaneously in the same call so that signals transmitted to the relay transceiver station can come from either the portable terminal or the radiotelephone terminal when a call is set up (Fig. 7, 8 and column 13, lines 1 – 55, where teaches executing by programming software to access simultaneously to the network by computer system).

Regarding **claims 14, 16, and 17**, Ditzik and Raffel teach all the limitation, as discussed in claim 1. However, Ditzik does not specifically disclose the limitation “the portable terminal and the radiotelephone terminal have a same calling number, the radiotelephone terminal is in a fixed location, and the portable telephone and the radio telephone respond conjointly to the call set up the relay transceiver station”. However, Raffel teaches the limitation “the portable terminal and the radiotelephone terminal have a same calling number (abstract, Fig. 1, and column 2, lines 26 – 44, where teaches the portable terminal and cordless cellular base station have a same calling number, inherently the calling number should be same because the portable terminal and cordless cellular base station have same frequency range), the radiotelephone terminal is in a fixed location (see Fig. 1 teaches the cordless cellular base station is in fixed location), and the portable telephone and the radio telephone respond conjointly to the call set up the relay transceiver station (the portable terminal performs the call set up with cordless cellular base station and cellular base station see (Fig. 1 and column 10, lines 51 – column 11, lines 55)”. It would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify the Ditzik's system as taught by Raffel, provide the motivation to achieve improving call connection by dual mode operation in mobile terminal and in order to improve signal adaptability in cellular communication system.

Regarding **claims 15**, Ditzik and Raffel teach all the limitation, as discussed in claim 1. Furthermore, Ditzik the portable terminal is configured to be carried by the user separate from the radioteleohone terminal which is configured to remain in place (Fig. 7 and column 5, lines 22 – column 6, lines 46, where teaches the wireless handset unit configured to communicate with portable notebook unit or PDA unit (Internet call) within range and communicates through the relay communication network to the communication network, and communicates directly through the relay communication network to the communication network conjointly for establishing calling)

***Allowable Subject Matter***

4. Claims 8, 9, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to disclose “transmitter means enabling it to transmit a broadcast control channel carrier with a particular power that can be modified to another radiotelephone terminal including means enabling it to detect said carrier when it is within radio range of a terminal which includes said transmitter means, so as to enable said two terminals to communicate simultaneously and conjointly with the relay

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transceiver station of a communication network as the terminal having all functions specific to each of said two terminals" as specified in the claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Byrne (US 6,708,028) discloses Multi-Mode Radio Telephone.

Rousseau et al. (US 6,141,547) discloses Radiotelecommunications System Having a Mobile Terminal That Operates Both in Cellular Mode and in Cordless Mode.

Information regarding...Patent Application Information Retrieval (PAIR) system... at 866-217-9197 (toll-free)."

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
Or P.O. Box 1450  
Alexandria VA 22313

or faxed (571) 273-8300, (for formal communications intended for entry)

Or: (703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to USPTO Headquarters, Alexandria, VA.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is (571) 272-7880.

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He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Edward Urban**, can be reached on (571) 272-7899. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L  
July 20, 2007

John J Lee



7/20/07